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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,731	12/03/2003	Niall R. Lynam	DON01 P-1124	7169

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EXAMINER

PAPE, JOSEPH

ART UNIT PAPER NUMBER

3612

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,731

Applicant(s)

LYNAM ET AL

Examiner

Joseph D. Pape

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 10-12, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/4/03
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the actuators, control, signal light, security light, camera and temperature sensor in claim 6; the fastener in claim 9, window seals in claim 16, and connector in claim 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Election/Restrictions

2. Claims 10-12, and 18-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/16/04.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There is inadequate support in the disclosure to enable one to make and use a door assembly having a latch mechanism and linkage to the latch mechanism and a cap assembly having a door handle with a connector so that the handle connector is connectable to the linkage as the cap assembly is mounted to the door frame. The

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connector is not shown nor described in the specification and the element 122 in Figure 4 is not considered to constitute an adequate showing of a linkage that is able to function as set forth in claim 17. This claim has not been further treated on the merits.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 4, 5, 6, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Dickenson.

Dickenson discloses the claimed door assembly including a door frame 26, an exterior mirror body mount 104, 98 on an exterior facing side of the door assembly. Also, an exterior mirror body 20, 28 is mountable to the exterior mirror body mount 104, 98. Further, an exterior connecting assembly is shown having a first connecting portion 104, (including mounting apertures) and a second connecting portion 28, 32, 53. The first connecting portion 104 includes a first electrical connector 116 and the second

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connecting portion 28, 32, 51 includes a second electrical connector 53. Wherein the first connection portion 104 is integral with the first electrical connector 116.

Re claim 7, the connecting portions 28, 98 and the electrical connections 53, 116 include frictionally engaging portions when connected that are considered to "provide a snap fit connection" as broadly as recited.

Re claim 9, the first connector portion 104 (including mounting apertures therein) is secured together with the second connecting portion 32 by fastener 30.

7. Claims 1-3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lukey.

Lukey discloses the claimed door system including a door frame 114, exterior mirror body mount 120, an exterior mirror body 162, and a connecting assembly comprising a first connecting portion 122 and a second connection portion 158. The connection portions form a plurality of complimentary locking tab and receiving portion elements which "snap fit" together upon adjustment thereof by the force of the spring shown in Figure 2.

Re claim 9, the first connector portion 122 is secured together with the second connecting portion 158 by fastener 132.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lukey in view of applicant's prior art statement on pages 2-3.

Lukey discloses the claimed invention except for exactly where the door is assembled.

In applicant's admitted prior art statement of pages 2-3, the known methods of assembling the door on the vehicle assembly line and assembling the door on a door

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assembly line and then transporting the door to the vehicle assembly line for connection to the vehicle is described.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to assemble the door of Lukey by the known methods described in applicant's admitted prior art statement as a way for efficient and less expensive assembly given the configuration of a given assembly line to accommodate such methods without having to fully assemble the entire door at the vehicle assembly line.

10. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heim et al. in view of Lukey.

Heim et al. disclose the claimed door system including a cap portion 13 and frame 22 having an exterior side including the upward directed portion which has an opening for receiving the cap portion. Reference Figure 2. The mounting member 17 of the cap assembly is received in frame opening 22 to form a "snap connection" as broadly as recited.

Heim et al. do not disclose the specifics of the connection of the exterior mirror to the cap assembly.

Lukey discloses the claimed door system including a door frame 114, exterior mirror body mount 120, an exterior mirror body 162, and a connecting assembly comprising a first connecting portion 122 and a second connection portion 158. The connection portions form a plurality of complimentary locking tab and receiving portion

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elements which "snap fit" together upon adjustment thereof by the force of the spring shown in Figure 2.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to connect the exterior mirror of Heim et al. to the cap assembly thereof using the arrangement taught by Lukey in order to provide a secure yet adjustable mirror arrangement.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied above to claim 14, and further in view of Teramoto et al.

Heim et al. disclose the claimed invention except for the cap assembly including a window seal.

Teramoto et al. disclose a cap assembly 13 including a channel with a seal 53 therein for contacting a window.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the window channel 19 of Heim et al., as modified, to include a seal as taught by Teramoto et al. as is notoriously well known to result in smooth window movement as well as providing a weather tight seal.

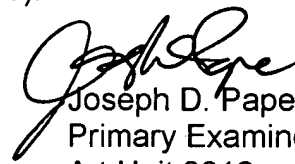
Conclusion

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (703) 308-3426. The examiner can normally be reached on Tues.-Fri. (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph D. Pape 3/2/05
Primary Examiner
Art Unit 3612

Jdp

March 2, 2005